The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Chile (continued) (CEDAW/C/CHI/1)

1. At the invitation of the Chairperson, Ms. Rodríguez (Chile) took a place at the Committee table.

2. Ms. RODRIGUEZ (Chile), responding to observations and questions by members of the Committee, said that the degree of compliance by Chile with the Convention should be seen in the context of the transition from dictatorship to democracy, which had imposed certain limitations as described in the presentation updating the initial report. A choice had been made to promote social and political consensus, which had meant that progress had been more limited than might otherwise have been wished. Women had been active during the dictatorship, and had succeeded in incorporating a gender-based approach in the transition to democracy. The establishment of the National Office for Women's Affairs (SERNAM), had been one important result of those efforts. In particular, SERNAM had secured a place for women in determining the political agenda and had promoted the formulation of the Equal Opportunity Plan which, it was hoped, would shortly be adopted officially.

3. Nevertheless, there was a certain disaffection with politics in Chile and the women's movement and non-governmental organizations were having to redefine themselves. New channels of communication were being established, however, and SERNAM had been active in helping women's organizations to play a role in the design of public policy. Indeed, the dialogue with the Committee and the comments indicating shortcomings in the promotion of women's rights would be used by SERNAM to press for further progress.

4. The Government had sought to promote a development strategy based on growth with social equity, realizing that s cial policies were necessary to offset the impact of its development model. Attention was being focused on groups that required assistance in order to function in a market economy. In particular, the Government had sought to assist female heads of household by increasing family allowances and negotiating a minimum wage. Social investment policies had concentrated on education, health and housing. Since educational coverage was generally thought to be satisfactory, the priority was to improve its quality. Investments had also been made in production and infrastructure, in order to create more job opportunities.

5. Action was also being taken to combat poverty, defined as a situation where households were unable to meet their basic food and other needs. Income thresholds had been established to determine the level of assistance that should be provided. The clear correlation between poverty and gender was reflected not only in traditional economic and social indicators, but also in women's social marginalization, lack of access to the courts and inability to exercise their rights. Above all, women's participation in the labour market was characterized by discrimination and exploitation.

6. The Government's policy was not to view women as a separate group among the poor but as a constituent element of all priority groups affected by poverty. Although it had managed to reduce poverty levels in recent years, the Government was only too aware of the need to close the enormous gap between rich and poor. Paradoxically, although little progress had been made in income redistribution, the overall standard of living had increased over the past 10 years, especially among low-income groups, as a result of economic growth combined with social policies guaranteeing improved access for women to the labour market. The Equal Opportunity Plan would seek to bring about a qualitative improvement based on gender equity, in order to address the structural causes of poverty.

7. One in four households was headed by women and such households tended to be poorer within each economic group. As part of the Government's anti-poverty efforts, a national programme for female heads of household had been instituted on a pilot basis to assist low-income households headed by women. Based on the initial results, it was likely to be extended to the whole country. A further anti-poverty measure focused on teenage mothers. Studies were being conducted on teenage sexuality, and joint action was being taken by SERNAM and a number of government ministries to devise a coherent policy for averting teenage pregnancy, which was more widespread in the poorest population groups, and helping pregnant girls complete their education.

8. While under the Equal Opportunity Plan an effort would be made to assist economically active women in general, including seasonal workers, greater attention needed to be paid to economically active women in rural areas. Census data were unreliable, in that they under-recorded the numbers of women working in agriculture. It was estimated, for example, that more than 100,000 women worked in the fruit-growing industry. SERNAM was involved in various activities to assist women workers in rural areas: the provision of child care for women seasonal workers; the amendment of labour legislation for the benefit of female workers; the conduct of studies on indigenous women and female heads of household in rural areas; and the formalization of property title in rural areas. In essence, the Equal Opportunity Plan would provide a strategic framework for promoting equality between men and women. Elderly women, especially those living in extreme poverty, were particularly vulnerable and consideration was being given to improving social benefits for them.

9. Turning to the articles of the Convention, she explained that article 5 of the Chilean Constitution stipulated that State sovereignty was limited by respect for human rights. As a result, international treaties containing human rights provisions had constitutional rank in Chile and could be invoked before the courts. Accordingly, the definition of discrimination provided in article 1 of the Convention did apply in the Chilean legal system.

10. With regard to article 2, the Equal Opportunity Plan was seen as an essential element in the democratization, economic development and modernization of Chile, and was the Government's main vehicle for pursuing that policy. The Plan, which had been put forward by SERNAM and formally accepted by the Government, reflected the realization that a comprehensive, systemic approach, embracing legislation, the family, education, culture, employment, health, participation and institution-building, was necessary to promote equality. In devising the Plan, SERNAM had analysed the experience of other Latin American

countries and of Spain, which had undergone a similar democratic transition. SERNAM was working to publicize the Plan and to disseminate its provisions among public officials and civil servants.

11. In connection with article 3, SERNAM had been established by law, and its Director had ministerial rank and enjoyed full access to the Government as a cabinet member. SERNAM acted as an independent ministry responsible for negotiating its own budget and for presenting draft legislation in Parliament. A decision had been taken at the outset that SERNAM would be a policy-coordinating rather than a policy-executing organ, since it had been observed that in countries which had ministries responsible for women's affairs, women frequently had less influence on general political life than SERNAM was able to exert in Chile. The ability to coordinate and influence policy across the board was a most effective way of advancing the status of women.

12. While SERNAM did not have overall responsibility for policy execution, it was directly responsible for the implementation of programmes in a variety of areas. It maintained offices throughout the country, through which it provided information to women and identified their needs with a view to making policy recommendations.

13. In its early days, almost 60 per cent of the SERNAM budget had come from international cooperation, but that percentage had declined substantially as regular government funding increased. The early availability of international cooperation had made it possible for SERNAM to compete effectively with other government priorities.

14. With respect to article 4, measures relating to maternity had been gradually amended to reflect the role of men and the family in the reproductive area. Chile had ratified Convention No. 156 of the International Labour Organization on workers with family responsibilities. SERNAM had also engaged in consultations with national political leaders and had made contact with European and Latin American countries, as part of its efforts to promote the Equal Opportunity Plan.

15. Turning to article 5, she noted that a number of penalties for domestic violence were available under the law, including mandatory attendance at family guidance or therapy sessions, fines and imprisonment. Judges could also order preventive measures to guarantee the physical safety and mental health of the affected party and the integrity and subsistence of the family.

16. Turning to article 6, she said that Chilean law prosecuted procurement rather than the exercise of prostitution per se. Medical services (and monitoring for sexually transmitted diseases and AIDS) were available for prostitutes. There was no specific legislation on violence against prostitutes; prosecution for such crimes would fall under general criminal law. Further studies were needed to determine the extent of prostitution in Chile, so that more specific legislation could be enacted to deal with the problems associated with it.

17. With regard to measures to compensate women for serious human rights violations suffered under the dictatorship, there was a need to proceed carefully in investigating crimes and abuses by the military and filling the gaps in existing legislation. A national reparation and reconciliation commission had been set up soon after the end of the dictatorship to investigate the deaths and disappearances that had occurred during that period and to provide assistance, compensation and educational and health benefits to the families of the victims.

18. Concerning measures taken under article 7, she said that the level of women's participation in political life was still unacceptably low, especially at the decision-making level. The Government intended to push ahead with studies of parliamentary systems in other countries to ascertain how they dealt with the problem, paying particular attention to the use of quotas to ensure greater female participation in government and other areas of public life. Where such policies had been put in place in Chile, they were still encountering considerable resistance. Comments from members of the Committee could provide further impetus for efforts to overcome that resistance.

19. With regard to article 8 and women's participation at the international level, she said that only 26 of the 481 senior officials in Chile's foreign service were women, of whom only one was of ambassadorial rank. However, the number of women representing Chile at meetings abroad was significant and growing.

20. Turning to article 10 and the issue of gender stereotypes, she said that textbooks in Chile still contained many sex-role stereotypes but that studies were being carried out on ways of training teachers to deal with the problem. Textbooks were also being updated. A bill to promote non-sexist education and inculcate non-violence among students was also being discussed and was designed to ensure that respect for human rights became an integral part of the educational process. The Government was very concerned that the message of non-violent resolution of conflicts in society should be transmitted throughout the country via the educational system; that message had already been favourably received in a number of regions.

21. With regard to the situation of women in the agricultural sector as discussed under article 11, limitations had been set on working hours for women agricultural workers and employers were contractually bound to provide adequate health and housing conditions for women seasonal workers, as well as child-care facilities.

22. With regard to article 12, she responded to the concerns voiced by Committee members about teenage pregnancy in Chile. A more ambitious interministerial programme, coordinated by SERNAM, was being designed that would come to grips with the issue and link it to family planning. Family planning services had been largely suspended during the dictatorship and currently reached only about 20 per cent of Chilean women of child-bearing age. The Government was seeking to expand those services in order to reduce recourse to abortion, which remained punishable by law. Abortion was seen as a major public health problem, not as a means of family planning, and the Government had no plans to legalize it. However, illegal abortions were carried out on a wide

scale and among all social classes, with poor women at greatest risk of complications. Abortion statistics were in fact based on emergency hospitalizations for abortion complications. A bill to prevent discrimination in employment or education on grounds of pregnancy had been proposed, but was not likely to become law soon.

23. An interministerial commission had been constituted to deal with the problem of AIDS and had launched several massive public education campaigns on AIDS prevention. The Government was committed to such campaigns, despite opposition from some sectors of society. The Ministry of Health had stipulated that all blood samples, whether for tests or donation, should be tested for the AIDS virus.

24. Turning to article 15 on the legal status of women, she said that the absence of a divorce law in Chile was incomprehensible and had resulted in a huge number of de facto separations and annulments. Given the lack of consensus on the issue, the Government had decided to initiate a public debate under the leadership of SERNAM. Broad parliamentary support would be required to change the legal situation, especially in view of strong opposition from the Catholic Church, whose moral authority had been enhanced by its defence of human rights under the military dictatorship. Women in Chile had full legal capacity; the provisions of matrimonial property law had been updated and couples were being made aware of the laws on domestic violence.

25. With regard to article 16 on marriage and family relations, a bill was currently before the legislature that would equalize the legal status of children born in and out of wedlock, allow mothers to exercise parental authority, and permit the use of DNA testing to establish paternity. The minimum marriage age (and the age of majority) had been reduced from 21 to 18 years, while girls over 12 and boys over 14 years of age could marry with parental approval. Child support requirements applied equally to children born in or out of wedlock.

26. The CHAIRPERSON noted the imbalance in the situation of women in Chile, as reflected in the replies just given to members' questions. While great strides had been made in some areas of society, much remained to be done to secure the recognition of civil and human rights. The Catholic Church was also an apparent obstacle to progress. In promoting education for peace and against sexism in the schools, SERNAM was playing an important role in the struggle for equality in Chile, and its emphasis on international cooperation and solidarity was to be welcomed.

27. Ms. SCHOPP-SCHILLING asked whether there were specific targets for women in the sectoral economic policies described in the report, and suggested that the existence of such targets should be underlined. She also stressed the need for quotas to increase women's representation in decision-making positions, and praised the interministerial approach to a broad range of issues as an effective way of overcoming entrenched bureaucratic obstacles.

28. Ms. BUSTELO GARCIA DEL REAL asked whether there was a separation of Church and State in Chile and recommended that, if there was, the struggle for women's rights in the areas of equality-based family legislation and reproductive rights should not be abandoned, despite the Church's evident power. That issue was particularly important in the case of abortion, which posed a great threat to women because of its clandestine nature. Chileans were of course entitled to have the laws they deemed appropriate, but they should also be mindful of the impact of anti-abortion legislation on women's health.

29. The CHAIRPERSON said that the Committee had concluded its consideration of the initial report of Chile.

30. Ms. Rodríguez (Chile) withdrew.

Initial and second periodic reports of Mauritius (continued) (CEDAW/C/MAR/1-2)

31. At the invitation of the Chairperson, Ms. Dubois (Mauritius) took a place at the Committee table.

32. Ms. DUBOIS (Mauritius), replying to the question whether the multicultural and multiracial nature of Mauritian society had created any internal problems which affected women, said that her country was often quoted as an example of peaceful cohabitation among people of different races, cultures and religious beliefs. Because of the size of the country, its limited natural resources and the fact that it was one of the most densely populated countries in the world, the Government was extremely cautious in dealing with potentially disruptive issues, such as citizenship and nationality. However, there were indications that the Government was considering a review of its position on nationality, which would result in amendments to chapters 2-3 and 16-3 of the Constitution. The comments made by the Committee in that respect had been noted, as had its suggestion that the provisions of article 4 of the Convention should be used to ensure an increase in the number of women in economic decision-making positions.

33. With reference to the lack of data on domestic violence, abuse was a sensitive issue which victims were often reluctant to report, making it difficult to obtain reliable data. Mauritius was currently benefiting from the services of a UNICEF consultant on domestic violence, who had recommended a programme that included training of police and law enforcement officers, sensitization campaigns and a survey of domestic violence. Once that survey had been carried out, it would become easier to identify the most effective approach.

34. Members had inquired about the relationship between the National Women's Council and the Ministerial Committee and between those two bodies and the Ministry of Women's Rights, Child Development and Family Welfare. The National Women's Council was responsible for coordinating women's associations and facilitating dialogue between the State and women through those associations. The Ministerial Committee was made up of desk officers from various ministries and was intended to give those desk officers the opportunity to meet, discuss problems encountered in the implementation of gender policies in their respective ministries and share information about projects being implemented by their ministries and their impact on women. The Committee had not been very

effective in recent years, since desk officers, who had received no training in gender analysis and gender planning and were subject to transfer, lacked commitment. It had, however, been effective on an ad hoc basis, for example, when the white paper on Women in Development and the national report on the implementation of the Nairobi Forward-looking Strategies had been prepared. Desk officer training was on the agenda of the Ministry of Women's Rights for 1995, and a consultant had been made available by UNDP for that purpose. Once they had been trained, desk officers would be better equipped to influence ministerial policy in favour of women.

35. The National Women's Council was managed by a committee of representatives of women's associations, as well as desk officers from the education, health, economic planning and development, social security and youth and culture ministries.

36. With regard to article 4, provision had recently been made for the training of women police officers. The idea of training women judges and magistrates would be considered, but expertise in that field was not available in Mauritius and would have to be sought from international cooperation.

37. Citing examples of protective legislation for women, she said that in the agricultural sector, women were not required to perform strenuous field jobs and women at an advanced stage of pregnancy were prohibited from lifting or carrying heavy loads. Female employees in the sugar industry were entitled to a bonus of 15 per cent of the daily wage if required to perform heavy work. In the sugar and salt industries, female employees had the option of retiring at age 55. In the industrial sector, employees at an advanced stage of pregnancy were not offered work requiring continuous standing. Prior to 1989, when the relevant law had been amended, female factory workers had not been allowed to work as "factory operators", an exclusively male preserve. Female factory workers were not compelled to do overtime and were refunded their return bus fares when the distance between their home and work exceeded three kilometres. The requirement for male workers in that respect was five kilometres.

38. With regard to maternity benefits, a female worker who had completed 12 months of continuous employment was entitled to 12 weeks of maternity leave with full pay, an allowance of Mau Rs 300-500, a milk allowance in cash or in kind and a one-hour break daily to breast-feed her child.

39. Turning to article 6, prostitutes were not registered and therefore operated illegally. Following an AIDS information campaign, prostitutes were more conscious of health hazards and had stated in a recent television programme that they underwent regular medical examinations. Sections 251 and 253 of the Criminal Code provided penalties for any person who, for gain, procured, enticed or exploited another person or led them away for purposes of prostitution. The Child Protection Act made it an offence for any person to cause, incite or allow any child to have access to a brothel or engage in prostitution.

40. Women were extremely well represented at various levels of the judiciary. For example, both the Master and the Deputy Master in Bankruptcy were women, and three of the six intermediate court magistrates were women.

41. Concerning article 7, recruitment to the foreign service was open to both men and women. Of the 52 members of the Mauritian diplomatic corps, 7 were women. Numbers would increase when more women became suitably qualified.

42. Turning to article 10, one member had noted that the courses offered by the Ministry of Women's Rights tended to concentrate on low-level and domestic skills. Those courses were intended to provide low academic achievers, who did not have access to the Industrial and Vocational Training Board or other private training institutions, with basic skills. The Industrial and Vocational Training Board operated its own training courses in many craft and trade fields, and those courses were open to both men and women. There were many private institutions which offered courses in computer science, banking and management.

43. Reservations had been made to parts of articles 11 and 16 at a time when the prevailing socio-economic situation prevented the Government from fulfilling the provisions of those articles. However, equal employment opportunities and equal pay for equal work had become established concepts, and the right of women to choose a profession or occupation had been embodied in legislation. The State Law Office had agreed to the withdrawal of those reservations and that had been followed by government approval.

44. Paid maternity leave was restricted to three confinements, but female employees were granted leave without pay for subsequent confinements. That formed part of the national population policy of discouraging large families. One member had inquired how the legal provision of a one-hour break for a working mother to breast-feed her child was implemented. In fact, it rarely was, as there were few nurseries near factories. The law had been intended to encourage breast-feeding, and the Government was trying to improve the situation.

45. The public and private sectors operated differently, and it was not feasible to provide the same working conditions in both sectors. However, the Export Enterprises Regulations 1983 established wages and other conditions of employment, including leave, transport and maternity benefits.

46. An orphan was defined as a child whose mother and father were dead or unknown. In the case of an abandoned child, the guardian received a guardian's allowance and an abandoned child allowance for the upkeep of the child. There was no discrimination against illegitimate or abandoned children.

47. The impact on women of changes in fiscal and taxation policies in the context of the structural adjustment programme had not been studied. However, a reduction in capital expenditure had led to a freeze on the construction of State secondary schools and subsidized housing in the late 1980s. That might have reduced women's access to education and housing, but since then the trend had been reversed.

48. Women had benefited directly from the Government's new taxation policies. They could file income tax returns separately and claim many deductions. Their growing participation in the labour force had increased the burden on women, and the Government was aware of the need to provide them with support services such as day-care centres.

49. Labour law prohibited the employment of persons under the age of 15. In 1990, the Government had ratified ILO Convention No. 138 on the minimum age for employment and had shown its determination to eliminate child labour. Child workers accounted for 0.7 per cent of the working population. Child labour was discouraged by the regular inspection of workplaces and by information campaigns.

50. Turning to article 12, family planning services were available to women of all ages, whether married or unmarried. The Mauritius Family Planning Association ran an aggressive family planning campaign directed at young people. Seventy-five per cent of women of reproductive age used at least one method of family planning, of which the most common was the pill. Abortion was illegal and was not available anywhere. However, admissions due to complications of abortion were reported frequently in public and private health institutions. With more effective family planning, the number of abortions would diminish.

51. With reference to women and agriculture, women had equal rights of inheritance and an equal right to own land. There was a general shortage of labour in agriculture, because both men and women preferred to work in "cleaner", higher-status factories.

52. With reference to the island of Rodrigues, an adult literacy programme was being implemented and infrastructure was improving daily: water, electricity and roads were widespread. Thirty-five per cent of the land was cultivated for subsistence agriculture. Further, updated details would be given in the next report.

53. Concerning article 14, a survey carried out by the University of Mauritius in 1988 on the health, nutrition and productivity of workers in the export processing zone, some 80 per cent of whom were women, had found 38 per cent of women to be anaemic and that obesity was prevalent. In general, 16 per cent of male and female workers had the symptoms of iron and vitamin B12 deficiency, 29 per cent were underweight, 13 per cent had diabetes and 50 per cent suffered from high cholesterol. Those problems were largely due to the abandonment of the traditional diet and dependence on fast food. The Ministries of Health and Agriculture were developing a food and nutrition policy to help improve that situation.

54. Concerning article 16, religious marriages, if registered, had the same status as civil marriages. The children of such marriages were legitimate and had the same status as children of civil marriages. Civil law governed divorce in all cases. The Napoleonic Code had been amended recently to give women the right to live in the family home until their death, even after the husband's death. The law did not provide for a right to shelter in any other house.

55. Her Government was committed to the advancement of women and had found the Convention a source of inspiration in working towards the elimination of discrimination against women.

56. The CHAIRPERSON observed that Mauritius was indeed a multiracial society without cultural tensions. Significant progress seemed to have been made in the advancement of women, the machinery for which seemed to be well established, as was cooperation with various United Nations agencies. She felt that insufficient attention had been paid to the problem of increasing prostitution brought about by tourism. It would be useful to know the exact details of the changes made to the Napoleonic Code. The freeze on the construction of schools and housing would seem to have affected women directly. Mauritius appeared to need to apply the provisions of the Convention more strictly, and she hoped to see further details in its next report.

57. Ms. OUEDRAOGO, referring to the provision of one hour for women to breast-feed their children, said that it was difficult to implement. The same provision had been made in her country, but the hour could be taken either before or after work, so that it was possible to apply the provision more liberally.

58. Ms. BARE endorsed the Chairperson's view that the Government should consider lifting its reservations to articles 12 and 16. With regard to article 11, she noted with satisfaction that the labour laws applied by the Government in the export-processing zone were very similar to those applied in the private sector. However, an independent source had suggested that, because of their high mobility, women workers in the zone might not enjoy the protection afforded by such legislation. The Government should clarify that situation in its next report.

59. Ms. SCHOPP-SCHILLING said she agreed that economic development should not take place at the expense of women. With regard to vocational training, the Mauritian representative had distinguished between the remedial courses offered to women with no education or skills and the general national training available to both men and women. It would be useful if the next report could go into greater detail on the courses taken by women, as compared with those taken by men and boys.

60. The CHAIRPERSON said that the Committee had concluded its consideration of the initial and second periodic reports of Mauritius.

61. Ms. Dubois (Mauritius) withdrew.

ORGANIZATION OF WORK

62. Following a report by Ms. TALLAWY on the functioning of the Committee on the Rights of the Child, the CHAIRPERSON noted that many CEDAW members were dissatisfied with the level of resources available to the Committee as compared with those allocated to other human rights committees, and suggested that those concerns should be explored more fully in the context of the Committee's consideration of the agenda item entitled "Ways and means of expediting the work of the Committee".

The meeting rose at 1 p.m.